THE HONOUARBLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.8849 OF 2005

DATED: 30-07-2007

BETWEEN

Perumalla Mastan Rao,
S/o. Narasimha Rao,
R/o. 20-13-5, Golusu
Bhavi Veedhi, Etukuru
Road, Guntur and another.

...PETITIONERS

AND

The Station House Officer,
Lalapet Police Station,
Guntur and another.

...RESPONDENTS

ORDER:

Petitioners submit that on a false complaint filed by the second respondent, the first respondent – Station House Officer, Lalapet Police Station, Guntur, registered a case in Cr.No.73 of 2005 for the offence under Sections 354, 324 read with Section 34 of the Indian Penal Code, 1860, arraying them as accused 1 and 2, without any justification whatsoever. Therefore, he seeks a direction to quash the said crime.

2. Counter has been filed stating that based on the complaint filed by the second respondent the aforesaid crime was registered on 31.03.2005 and that on the very same day the first petitioner also made a complaint against the second respondent and her husband, based on which another case in Cr.No.74 of 2005 for the offence under Sections 447, 323, 506 read with Section 34 IPC has been registered and both the crimes are pending.

3. Unless the investigation is completed and charge sheet is filed, I am of the opinion that even if all the contents of the complaints are taken to true and correct, it cannot be said that no offence is made out, therefore it is for the Investigating Officer to investigate the crime and file a report. In the absence of any report it cannot be said that no crime is made out, therefore, I do not see any ground to declare the said crime as illegal. However, there is no justification on the part of the first respondent in not completing the investigation merely because this Court by order dated 21.04.2005 directed the first respondent not to arrest the petitioners, which does not mean that there is stay of investigation.

The writ petition is accordingly dismissed directing the first respondent to complete the investigation in Cr.Nos.73 and 74 of 2005 dated 31.03.2005 and file a final report as expeditiously as possible in accordance with law. There shall be no order as to costs.

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V. ESWARAIAH, J

July 30, 2007
DSK